

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BRYAN D. MIZE,

Plaintiff,

vs.

JPMORGAN CHASE BANK, N.A.;
NORTHWEST TRUSTEE SERVICES,

Defendants.

NO. 2:11-CV-01245-MJP

JOINT STATUS REPORT AND
DISCOVERY PLAN

In compliance with the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement issued on September 1, 2011, the parties respectfully submit a Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Rule CR 16.

I. STATEMENT OF THE NATURE AND COMPLEXITY OF THE CASE

Plaintiff's Complaint alleges Defendants violated the Washington State Deed of Trust Act (RCW 61.24 et seq), the Real Estate Settlement Procedures Act (RESPA), the Truth in Lending Act (TILA), the Fair Debt Collections Practices Act (FDCPA), the Fair Credit Reporting Act, and the Washington Consumer Protection Act (CPA) in connection

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1 with the origination and servicing of his loan, and with the foreclosure proceedings which
2 were initiated on the property secured by that loan.

3 **II. STATEMENT OF THE ADR METHOD TO BE USED**

4 The parties have chosen mediation as the ADR method to be used.

5 **III. STATEMENT OF DATE THAT ADR PROCEEDING WILL TAKE PLACE**

6 The mediation proceeding will take place after the deadline for filing all dispositive
7 motions, when the parties will stipulate to an agreed upon date for mediation to take place
8 within a reasonable time thereafter.

9 **IV. PROPOSED DEADLINE FOR JOINING OTHER PARTIES**

10 The proposed deadline for joining other parties to the lawsuit will occur on
11 December 1, 2011.

12 **V. PROPOSED DISCOVERY PLAN**

13 **A.** The FRCP 26(a) conference took place on October 5, 2011 and the FRCP
14 26(a) initial disclosures were made on October 5, 2011.

15 **B.** Discovery may be needed with respect to the facts and circumstances
16 surrounding the claims in Plaintiff's complaint, specifically in connection with
17 Defendants' alleged violations of state and federal consumer protection statutes and the
18 damages Plaintiff alleges to have suffered as a result.

19 **C.** At this time, there are no proposed changes to the limitations on discovery
20 imposed by federal and local rules.

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1 D. The parties are committed to working together in a cooperative manner to
2 avoid discovery conflicts and to efficiently complete necessary tasks relating to discovery.

3 E. The parties do not anticipate the need for additional orders under FRCP
4 26(c) or under Local Rule CR 16(d), or (e).

5 **VI. DATE BY WHICH THE REMAINDER OF DISCOVERY**
6 **MAY BE COMPLETED**

7 The remainder of discovery shall be completed pursuant to FRCP and the local
8 rules, 120 days prior to the trial date.

9 **VII. MAGISTRATE JUDGE**

10 The parties do not agree to the appointment of a full-time Magistrate.

11 **VIII. WHETHER THE CASE SHOULD BE BIFURCATED**

12 The parties agree that the case should be tried in whole and should not be
13 bifurcated by trying liability issues separate from damages, nor should the case be
14 bifurcated in any other way.

15 **IX. WHETHER PRETRIAL STATEMENT AND ORDER**
16 **SHOULD BE DISPENSED WITH**

17 The parties would prefer not to dispense with the pretrial statement and order.

18 **XI. OTHER SUGGESTIONS FOR SHORTENING OR SIMPLIFYING THE**
19 **CASE**

20 The parties have no other suggestions for the shortening or simplification of the
21 case at this time, but the parties are amenable to working together to streamline the case as
22 is practicable.
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XII. THE DATE BY WHICH THE CASE WILL BE READY FOR TRIAL

The parties agree that Trial should be scheduled in accordance with the FRCP and local rules.

XIII. WHETHER THE TRIAL WILL BE JURY OR NON-JURY

The defendants agree that the instant case should be resolved through a non-jury trial. The plaintiff would prefer to reserve the determination to a later date.

XIV. THE NUMBER OF TRIAL DAYS REQUIRED

The parties expect that 1-2 trial days are required.

**XV. THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS
OF ALL TRIAL COUNSEL**

Bryan D. Mize
20908 48th Ave. W.
Lynwood, WA 92034
(206) 349-0733

Ann T. Marshall
Devra Featheringill
Bishop, White, Marshall & Weibel, P.S.
720 Olive Way, Suite 1201
Seattle, WA 98101-1801
(206) 622-5306
Attorneys for Chase

Heidi Buck
Routh Crabtree & Olsen, P.S.
13555 SE 36th St, Suite 300
Bellevue, WA 98006
(425) 458-2121
Attorneys for Northwest Trustee Services

XVI. IF ALL DEFENDANTS WERE NOT SERVED

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1 All parties have been served accordingly.

2 **XVII. A SCHEDULING CONFERENCE PRIOR TO SCHEDULING ORDER**

3 None of the parties have expressed a wish to schedule a conference prior to a
4 scheduling order being entered in the case.

5 Dated this 17th day of October, 2011.

6 Presented by:

7
8 /s/ Bryan D. Mize, pursuant to email authorization
9 Bryan D. Mize
10 *Plaintiff*

11 BISHOP, WHITE, MARSHALL
12 & WEIBEL, P.S.

13
14 /s/ Devra F. Featheringill
15 Devra Featheringill, WSBA #32182
16 *Attorneys for Defendant Chase*

17 ROUTH CRABTREE & OLSEN, P.S.

18
19 /s/ Heidi Buck, pursuant to email authorization
20 Heidi Buck, WSBA #41769
21 *Attorneys for Defendant Northwest Trustee Services*

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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury of the laws of the State of Washington and the United States of America that on this 17th day of October, 2011, I caused to be delivered a copy of the foregoing to the following in the manner indicated:

Bryan D. Mize	[] By United States Mail
20908 – 48 th Avenue W.	[] By Legal Messenger
Lynnwood, WA 98036	[] By Federal Express
Email: <u>sirmize@gmail.com</u>	[X] By CM/ECF

Heidi Buck	[] By United States Mail
Routh Crabtree Olsen, P.S.	[] By Legal Messenger
13555 SE 36 th St Suite 300	[] By Federal Express
Bellevue WA 98006	[X] By CM/ECF
Email: <u>hbuck@rcolegal.com</u>	

Signed this 17th day of October, 2011, at Seattle, Washington.

/s/Kay Spading
Kay Spading

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